



04-CR-00276-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08	UNITED STATES OF AMERICA,)	CASE NO. CR04-276-JCC
)	
09	Plaintiff,)	
)	
10	v.)	SUMMARY REPORT OF U.S.
)	MAGISTRATE JUDGE AS TO
11	GABRIEL KEKOA LETOTO,)	ALLEGED VIOLATIONS
)	OF SUPERVISED RELEASE
12	Defendant.)	
)	

An initial hearing on supervised release revocation in this case was scheduled before me on March 12, 2008. The United States was represented by AUSA Lawrence Lincoln for Susan B. Dohrmann and the defendant by Jennifer Wellman for Paula S. Deutsch. The proceedings were digitally recorded.

Defendant had been sentenced on or about September 30, 2005 by the Honorable John C. Coughenour on a charge of Possession of Visual Images of Minors Engaged in Sexually Explicit Conduct and sentenced to 48 months custody, ten years supervised release. (Dkt.52.)

The conditions of supervised release included the standard conditions plus the requirements that defendant cooperate in the collection of a DNA sample, be prohibited from possessing a

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01 firearm, participate in mandatory drug testing, submit to search, participate in a mental health
02 program and sexual offender treatment and make reasonable progress in treatment, have no
03 unsupervised contact with minors, follow any lifestyle restrictions imposed by mental health
04 providers, not possess pornographic material of any kind, provide access to financial information,
05 have no contact with any device capable of accessing the internet except where allowed by his
06 probation officer, notify his probation officer of all software purchases, consent to ongoing
07 monitoring of his computer, report his current address and subsequent addresses to his probation
08 officer, and register as a sex offender.

09 In an application dated February 12, 2008 (Dkt. 62), U.S. Probation Officer Brian K.
10 Facklam alleged the following violations of the conditions of supervised release:

11 1. Using an electronic device to transmit data through a dedicated server and
12 accessing the internet to post a "My Space" page featuring himself on the internet on or about
13 January 20, 2008, in violation of the special condition prohibiting him from having contact with
14 an electronic device communicating data through a dedicated server and accessing the Internet.

15 2. Using an electronic device to transmit data through a dedicated server and
16 accessing the internet to post a "My Space" page featuring himself on the internet on or about
17 February 8, 2008, in violation of the special condition prohibiting him from having contact with
18 an electronic device communicating data through a dedicated server and accessing the Internet.

19 3. Using an electronic device to transmit data through a dedicated server and
20 accessing the internet to post a "My Space" page featuring himself on the internet on or about
21 February 10, 2008, in violation of the special condition prohibiting him from having contact with
22 an electronic device communicating data through a dedicated server and accessing the Internet.

01 4. Failing to follow the instructions of the probation officer on or about January 20,
02 2008, February 8, 2008 and February 10, 2008, in violation of standard condition number 3.

03 Defendant was advised in full as to those charges and as to his constitutional rights.

04 Defendant admitted the alleged violations and waived any evidentiary hearing as to
05 whether they occurred.

06 I therefore recommend the Court find defendant violated his supervised release as alleged,
07 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be
08 set before Judge Coughenour.

09 Pending a final determination by the Court, and further pending a detention hearing
10 scheduled for March 20, 2008, defendant has been detained.

11 DATED this 12th day of March, 2008.

12 

13 Mary Alice Theiler
14 United States Magistrate Judge

15
16 cc: District Judge: Honorable John C. Coughenour
AUSA: Lawrence Lincoln, Susan B. Dohrmann
17 Defendant's attorney: Jennifer Wellman, Paula S. Deutsch
Probation officer: Brian K. Facklam, Angela McGlynn